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June 3, 1994

Office of the Secretary
Federal Communications Commission
Washington, DC 20554

In the Matter of

Notice of Inquiry
**Preparation for International
Telecommunication Union World
Radiocommunication Conferences**

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

IC Docket No. 94-31

Released May 5, 1994

Transmitted herewith are an original and four copies of comments in response to the referenced Notice of Inquiry. It is requested that the record reflect these comments as the **independent** reply of each of the following:

Adventist Broadcast Service, Inc. Licensee of
International Broadcast Station KSDA;

Eternal Word Television Network, Inc. Licensee of
International Broadcast Station WEWN;

Gulf South Broadcasting, Ltd. Licensee of
International Broadcast Station WRNO;

Herald Broadcasting Syndicate, Inc. Licensee of
International Broadcasting Stations WCSN, WSHB
and KHBI;

High Adventure Ministries, Inc. Licensee of
International Broadcast Station KVOH;

LeSea Broadcasting Corp. Licensee of International
Broadcast Stations WHRI and KWHR;

Trinity Broadcasting Network. Licensee of International
Broadcast Station KHBN;

World International Broadcasters, Inc. Licensee of
International Broadcast Station WINB;

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and:

George Jacobs & Associates, Inc.

Reply comments should be addressed as follows:

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who certifies that the independent comments were prepared under the authority of contractual agreements with each of the above mentioned FCC International Broadcast Station licensees.

The above mentioned International Broadcast Station licensees represent approximately half of the total of such stations presently licensed by the Commission. The eighteen transmitters operated by these licensees represent more than one-third of the total of licensed h.f. broadcast transmitters. Among the eighteen transmitters are seven 500 kW units, which represent the world's most powerful h.f. broadcasting facilities.

**Relevance of Previous Response to FCC Notice of Inquiry
in Relation to Response to FCC Notice of Inquiry.**

On July 19, 1993 a reply was submitted in response to a Notice of Inquiry released by the FCC (ET Docket Number 93-198). Much of what was contained in that response is either directly or collaterally applicable to our response to the referenced FCC Docket. The entire response to ET Docket 93-198 is attached, and it should be considered as an integral part of this response.

Summary:

1. World Radiocommunication Conference-1995 (WRC-95):

WRC-93 has wisely recommended that the agenda for WRC-95 include a discussion of the status of H.F. Broadcasting (HFBC). Specifically, we urge that the WRC-95 agenda include a review of the progress of **Radiocommunication Study Group 10, Task Group 10/5** to that date on its study of the technical and regulatory issues related to HFBC frequency planning.

Collaterally, we strongly urge the FCC in conjunction with the International Broadcast Station licensees and government broadcasting organizations to participate

actively in the work of Task Group 10/5 in the hopeful development of a planning procedure based upon the Radio Regulation Article 17 coordination process, and including the additional HFBC allocations made at WARC-79 and WARC-92. We agree with the FCC that the experiences of the International Broadcaster's H.F. Coordination Conference (HFCC) could influence considerations by Task Group 10/5. **For this reason, we again strongly urge the FCC to represent the International Broadcast licensees at HFCC meetings.**

2. Preliminary Agenda for WRC-97:

WRC-93 has recommended that a preliminary agenda for WRC-97 should include a review of HFBC issues. We strongly support this. The results of the work of Task Group 10/5 is expected to be completed for full presentation to WRC-97, and this specific item should appear on the WRC-97 agenda. Additionally, the WRC-97 agenda should include those issues on the WRC-95 agenda which may not have been resolved. WRC-97 would also be an appropriate forum at which to confirm or revise the date for introduction of single sideband modulation (SSB) in the H.F. broadcasting bands, based on a review of world-wide statistics on the availability of suitable SSB radio receivers, as required by the Final Acts of WARC-92.

We plan to participate actively in the refinement of proposals for WRC-97 through subsequent FCC NOIs, and in conference planning procedures.

3. Other WRC Planning Activities:

We strongly support the establishment by the FCC of an Industry Advisory Committee (IAC). But to avoid the difficulties experienced in WARC-92 planning for HFBC, we propose that the IAC, while working directly and openly with the FCC, also be given status with conference planning elements in the **Interdepartment Radio Advisory Committee** (IRAC). Hopefully, this will prevent "secret" agreements being made in the IRAC with FCC concurrence, such as those that made a mockery of the proposals made for HFBC by the WARC-92 IAC.

We support the FCC proposal to maintain an open docket in this NOI for future WRC planning. We could also support the identification of FCC staff that will be involved in WRC planning, provided this will not increase the FCC budget, or reduce further the services being provided International Broadcast licensees on a needed day-to-day basis.

There now follows our reply to the previous FCC NOI, ET Docket 93-198, much of which is pertinent to and expands upon the summary of our reply to IC Docket 94-31.

Reply to FCC ET Docket 93-31 July 19, 1993

How Can Government be of Assistance?

In summation, our comments support government assistance in protecting and promoting the interests of private sector shortwave broadcasters in the following ways:

- To continue to recognize that US private sector shortwave broadcasting is a practical demonstration of the freedom of speech, the free flow of information and the free enterprise system in action; crucial parts of the infra-structure upon which any democratic society must be based, and that it is in the national interest for such broadcasting to continue and to be encouraged to grow.
- That any assessments of future technical changes or alternative methods to shortwave broadcasting must take into account the world's population of an estimated 600 million shortwave radios, and the directness, immediacy, intimacy, universal free access and relative cheapness of this international medium.
- That the existing relationship between the government and the private sector in the field of international broadcasting, as defined in the First Amendment of the Constitution and in Public Law 80-402, has successfully stood the test of time, and must continue to be respected and observed.
- That the present frequency usage fee levied uniquely against FCC-licensed International Broadcast Stations should be rescinded because it is discriminatory and unfair. It is an unwarranted impediment to private sector shortwave broadcasting.
- That the FCC should be required to improve its service to its shortwave broadcast licensees and, in particular, attend seasonal frequency coordination meetings to protect the interests of its licensees. If this is not possible, alternative procedures should be explored.

- The US should initiate and support adequate international H.F. spectrum allocations and planning for shortwave broadcasting, within which the spectrum requirements for US government funded and privately licensed broadcasters will be met.
- Until such allocations become a reality, the government should continue to permit and encourage the use by US shortwave broadcasters of the conditional allocations agreed to previously at WARC-79 and WARC-92, on a non-interference basis (NIB), and to make available on a similar NIB basis, other portions of the H.F. spectrum which may be lightly loaded.
- A more effective preparatory procedure must be established for the private sector and the government agencies to communicate and work directly and openly together in formulating overall US positions and policies for future international radio conferences.

Response to FCC Notice of Inquiry

Based upon our previous position summarized above, we strongly support the FCC recommendation to include the High Frequency Broadcasting Service on the Agendas of following World Radiocommunication Conferences (WRC): **WRC-93, WRC-95 and WRC-97.**

The uncompleted work of WARC-87 and WARC-92 mandate that H.F. Broadcasting be included on the Agendas for WRC-93, WRC-95 and WRC-97. Specifically, these Conferences must continue to discuss allocations, and frequency coordination and regulatory procedures which are vital to the future effectiveness of the H.F. Broadcasting Service.

The historical political changes of the past few years, the cessation of Soviet jamming of H.F. broadcasts, the reassessment now underway by many of the world's largest broadcasting organizations all appear to be producing a favorable climate, for the first time since the end of World War II, in which many of the problems facing H.F. broadcasting may be more amenable to international solution. It is our opinion that the time has never been more opportune for such discussions and both WRC-95 and WRC-97 would be the most appropriate and timely forums for them.

**Specifically in Response to Paragraph 18 of the Notice
of Inquiry:**

1.- After more than a forty year international effort, there now appears to be general agreement that an *a priori* frequency plan for the H. F. Broadcasting Service is not realistic, and that an alternative solution must be found. This would be a very timely topic for WRC-95. It would be a fulfillment of Resolution 523 of WARC-92 which states; "Resolves that a WARC be convened to plan the bands allocated to HFBC at WARC-92; also WARC 1992 expanded bands not to be used until planning process has been completed."

Despite the forty year planning hiatus, since 1959 a degree of order has been maintained in the bands allocated to the H.F. Broadcasting Service through the coordination procedure contained in Article 17 of the **ITU Radio Regulations**. This procedure provides for the voluntary consultations among administrations regarding H.F. frequency usage. Recently, the European Broadcasting Union (EBU) has begun to utilize a similar coordination process for H.F. frequency usage among a group of broadcasters from more than two dozen countries, who are responsible for more than 60% of the world's total H.F. broadcasting effort. Regretfully, the FCC has declined to accept an invitation to participate in this procedure on behalf of its licensees, although both U.S. Government broadcasting organizations (VOA and RFE/RL) do participate. **We urge in the strongest terms that the Commission attend international frequency coordination meetings, not only to protect the interests of its licensees, but also to gain first hand experience in a procedure that may well be the basis for a future frequency planning process.** We believe that through the coordination process, a viable alternative planning method may be close at hand. Again, the WRC-95 appears to be a very appropriate and timely arena to consider such an alternative planning procedure.

2.- A classical "catch-22" situation has arisen resulting from the total of 1,570 kHz allocated at WARC-79 and WARC-92 to the H.F. Broadcasting bands. These additional allocations were tied to the frequency planning of the H.F. bands. Since frequency planning to date has not been successful, the bands are not officially available for use, and are not covered by the present Article 17 coordination procedure. This adds an extra degree of urgency for the discussion of alternative planning procedures at WRC-95. WRC-95 should either develop a planning procedure, thus releasing these bands for general broadcast use, or rescind the restrictions tying their use to the development of a plan, and permit their use under the existing Article 17 procedure.

3.- At WARC-92 a proposal to realign the band allocated to the Radio Amateur Service presently beginning at 7,000 kHz was not adopted. This proposal would have divided the allocation between 7,100 and 7,300 kHz, which is presently shared between the Broadcasting Service in Regions 1 and 3, and the Amateur Service in Region 2, into two exclusive world-wide allocations; 7,100 to 7,200 kHz for amateurs and 7,200 to 7,300 kHz for broadcasting. The Amateur Service would have been allocated an additional exclusive 100 kHz between 6,900 and 7,000 kHz, and broadcasting an additional exclusive allocation between 7,300 and 7,525 kHz. Both the Amateur Service and the H.F. Broadcasting Service would have benefitted considerably from the adoption of such a proposal, since WARC-79 made no additional allocations to broadcasting in this critical range. Since such a proposal would benefit two services, and increase the possibilities for developing a successful broadcast planning procedure, it is another item justifying consideration at WRC-95.

4-. The December 31, 2015 date adopted by WARC-92 for the introduction of single sideband (SSB) in the H.F. Broadcasting Service and the cessation of double sideband (DSB) in all bands is a **provisional** date based on the availability of a large worldwide population of radios capable of receiving SSB broadcasts on H.F. Resolution 517 (WARC-87) states that this date " ... shall be periodically reviewed by a competent future world administrative radio conference in light of the latest available complete statistics on the world-wide distribution of SSB transmitters and synchronous demodular receivers, and that at least one such review shall be carried out before the year 2000". WRC-95 and WRC-97 would seem to be appropriate and timely forums in which such reviews could be made.

In summary, we strongly urge addressing the H.F. Broadcasting Service at WRC-95 and WRC-97 on the basis of the changed, and more favorable world political situation that now exists, the cessation of Soviet jamming, the need for the release of additional spectrum which was allocated at WARC-79 and WARC-92, the need to develop a frequency planning procedure based on coordination principles rather than to continue attempts to develop an *a priori* plan, which has not proved realistic in the past, and the need to confirm or change the date for the introduction of SSB in the H.F. broadcasting bands, based on world-wide statistics on the availability of suitable radios.

U.S. Planning for WRC-95 and Beyond

The Dual FCC/ IRAC Policy Mechanism

In planning for international radio conferences, the FCC, as a regulatory Agency, has the responsibility for representing the interests and views of its private sector licensees. Government agencies generally formulate their policies within the Interdepartment Radio Advisory Committee (IRAC). The FCC participates in the IRAC deliberations as the representative of the private sector.

In theory this dual procedure would appear to be effective, but in practice it can break down. The preparation for WARC-92 is a case in point so far as it concerns US planning for the H.F. Broadcast Service.

WARC-92 Preparation

The creation by the FCC of a WARC-92 Industry Advisory Committee (IAC) and the associated Notice of Inquires, in our opinion, were very effective methods for soliciting directly the views of the private sector licensees. While these deliberations were conducted in complete openness, with both private sector and government participation, planning within the IRAC was held, for the most part, behind closed doors and were of a classified nature. While the FCC did attend the IRAC meetings, the Commission was often restricted by security classification from keeping the IAC informed on what was developing within the IRAC. In effect, concerning the HF spectrum policies for WARC-92, there was little direct and open dialogue between the private sector interests and those of Government agencies. This resulted in final US HF spectrum positions and proposals for WARC-92, which, in our opinion, did not reflect nor serve or protect the best interests of US shortwave broadcasting. They largely ignored the recommendations of the IAC.

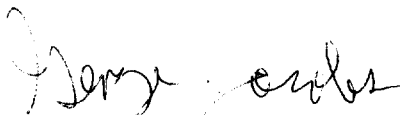
The IAC, in its final report to the FCC, recommended additional allocations for the HF Broadcasting Service amounting to 2,825 kHz. Unknown to the IAC members at the time that the final report was being drafted, the FCC had already agreed **secretly** within the IRAC to a much smaller allocation of 1,325 kHz. It is our opinion that the FCC did not represent effectively the private sector interests within the IRAC, and made a sham of the time, energy and expense of the industry experts who gave so generously of their time and experience.

Future International Radio Conference Preparation

A more effective procedure must be established for the private sector and the government agencies to communicate and work directly with each other openly in formulating overall US positions and policies for future international radio conferences. One approach to consider for WRC-95 planning would be to continue the present method of the FCC coordinating private sector planning, and the IRAC coordinating the planning by government agencies, but create a third entity where the private sector would have a direct dialogue with government agencies in weaving together differing views in order to develop unified, effective overall US policies and positions. In any event, the behind the scenes and secretive actions taken by the FCC in planning for WARC-92 must not be repeated.

Respectfully Submitted on behalf of:

Adventist Broadcast Service, Inc. (KSDA)
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